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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,334	02/07/2001	Scott W. Huffer	9325-36 1473 EXAMINER	
	7590 09/14/2004			
DRINKER BIDDLE & REATH ONE LOGAN SOUARE			NOLAN, SANDRA M	
18TH AND CHERRY STREETS			ART UNIT	PAPER NUMBER
PHILADELPH	IIA, PA 19103-6996		1772	
			DATE MAILED: 09/14/2004	<b>.</b>

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/778,334	HUFFER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Sandra M. Nolan	1772				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from Cause the application to become ABANDONE.	nely filed s will be considered timely. the mailing date of this communication.				
Status						
1) Responsive to communication(s) filed on <u>02 Ju</u>	<u>ly 2004</u> .					
I amount to the second	action is non-final.					
3)⊠ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-19 and 27</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1-19 and 27</u> is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.	<u>,                                    </u>				
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Exa						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign panillar.</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priority application from the International Bureau</li> <li>* See the attached detailed Office action for a list of</li> </ul>	have been received. have been received in Applicatio y documents have been received (PCT Rule 17.2(a)).	n Nod in this National Stage				
Attackmant/a)						
Attachment(s)  1) Notice of References Cited (PTO-892)	A) Thomas Comment	OTO 442)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Maii Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4-14-04 + 7-02-04.	5) Notice of Informal Par					
S. Patent and Trademark Office	O) [A] Other: (CEVEE) [-	MINGNOMENT FRENCTICE				

# **DETAILED ACTION**

#### Claims

1. Claims 1-19 and 27 are pending. Claims 20-26 have been canceled.

### Ex parte Quayle Action

- 2. This application is in condition for allowance except for the following formal matters:
- 3. The captioning of the claims is incorrect. Please review the enclosed sheet concerning Revised Amendment Practice and correct the captions.
- 4. Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.
- 5. A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

# **REASONS FOR ALLOWANCE**

- 6. The following is an examiner's statement of reasons for allowance:
- 7. The base claims of the application are claims 1, 10 and 27. They can be summarized as follows:

<u>Claim 1</u> covers a packaging material comprising:

- -a substrate comprising one or more sheets of plastic material, which substrate has inner and outer surfaces,
  - -a cold-seal cohesive coating on at least part of the inner surface,

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-an energy-cured release layer on the outer surface, which release layer contains a slip agent and provides a surface for temporary adhesion of the cohesive without blocking upon removal of the cohesive from the release layer.

Claim 10 covers a package comprising:

- -at least one sheet of flexible packaging material comprising:
- -a substrate comprising one or more sheets of plastic material, which substrate has inner and outer surfaces,
  - -a cold-seal cohesive coating on at least part of the inner surface,
- -an energy-cured coating on the outer surface, which coating serving as a release layer for the cohesive so that the cohesive remains attaches to the inner surface and does not offset on the energy-cured coating when the material is unrolled after storage in a roll,

wherein the package has at least one seam formed by the cold-seal cohesive portions on one or more parts of the inner surface cohering to each other.

<u>Claim 27</u> covers a packaging material comprising:

- -a substrate formed from a flexible plastic material, the substrate having an inner and an outer surface,
- -a cold seal cohesive applied to one or more portions of the substrate surfaces, which cohesive is adapted to seal the portions together when forming the package,
- -an electron beam energy cured coating on the outer surface of the substrate, the coating serving as a release layer for the cohesive upon contact between the coating and the cohesive such that the cohesive temporarily adheres to the coating and

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releases upon removal without adversely affecting the adhesive properties of the cohesive,

-ink printed in a pattern on the outer surface of the substrate and covered by the coating, the coating providing a glossy surface for the ink and the package, and
 -a slip agent within the coating.

- 8. The prior art of record fails to teach or suggest packaging materials and packages having all of the features of claims 1, 10 or 27.
- 9. Applicants' arguments on pages 5-7 of their 02 July 2004 response concerning the patentability of the claims are deemed convincing.
- 10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Citation as of Interest

11. Wilkie (US 5,792,549) is cited as of interest for teaching films having cold seal cohesive layers and release layers. The release layers are not energy cured. The examiner does not deem its corona treatment, flame treatment or heat aging processes to be curing operations.

#### Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

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If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.

S.M. Nolan

**Primary Examiner** 

Technology Center 1700

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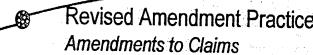


# Revised Amendment Practice Amendments to Claims

- The seven (7) permissible status identifiers:
  - 1. (Original): Claim filed with original specification
    - Not added by preliminary amendment and
    - Not previously amended.
  - (Currently amended): Claim being amended and which is not withdrawn in the current amendment
    - Must include markings (strikethrough, double brackets, or underlining) to indicate changes.
  - 3. (Canceled): Claim canceled or deleted in current amendment or previously.
    - Do not present the text of a canceled claim.
    - Consecutive canceled claims may be grouped together (e.g., claims 1-5 (canceled)).

August 5, 2004

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- The seven (7) permissible status identifiers (cont.):
  - 4. (Withdrawn): Non-elected claim.
    - The text of a withdrawn claim must be presented.
    - Currently amended withdrawn claims must be presented with markings (strikethrough, double brackets, or underlining) to indicate changes.
  - (Previously presented): Claim that was previously added or amended in an earlier amendment paper.
  - 6. (New): Claim being added in the current amendment paper.
    - The text of the claim must be presented in clean form without underlining.
  - (Not entered): Claim presented in a previous unentered amendment.
    - Do not present the text of a not entered claim.
    - Consecutive not entered claims may be grouped together (e.g., Claims 20-25 (not entered)).

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